

## REMARKS/ARGUMENTS

Examiner Saltarelli is thanked for the thorough examination of the subject Patent Application. The Claims have been carefully reviewed and amended, and are considered to be in condition for allowance.

5           Reconsideration of the rejection under 35 USC §102(b) of Claims 23, 46, 91, and 114 as being anticipated by U.S. Patent 5,996,015 (Day) is requested in light of the following arguments.

Day does provide a data pump that stores multimedia files, or multimedia assets and delivers the multimedia assets to a client. The data pump being  
10   arranged to play a file to a client across a network. Day does not provide:

a segmentation apparatus in communication with the plurality of digital data file storage devices, which, at a request of any of the digital data files, dynamically fragments any requested digital data file into a plurality of segments to facilitate transfer to and processing by at least one of the  
15   computing systems of said segments, wherein , wherein if said requested digital data file has been previously segmented, a new segment size list is compared to an existing segment size list. (Claim 23, Lines 11-17)

a segmentation apparatus in communication with the plurality of digital video data file storage devices, which, at a request of any of the digital video  
20   data files, dynamically fragments any requested digital video data file into a plurality of segments to facilitate transfer to and processing by at least one of the second computing systems of said segments, wherein if said

requested digital video data file has been previously segmented, a new segment size list is compared to an existing segment size list. (Claim 91, Lines 11-17)

The segments of Day are the programs or segments of a program or programs that is identified by a user (Col. 6 Lines 26-64). The segments of the programs are concatenated for streaming to the user. The segmentation apparatus of the present invention dynamically divides or fragments a digital data file, especially a digital video data file, into segments for more efficient storage in the digital data file storage devices. This storage of the segments in the digital data file storage devices facilitates transfer of the data files to a second computer system (user) for display. There is no description in Day of the dynamic segmentation of the data files to facilitate transfer of the data files, where if the requested digital data file has been previously segmented, a new segment size list is compared to an existing segment size list.

Reconsideration of the objection to Claims 24-45 and 92-113 is requested in light of the following arguments. The Applicant acknowledges that Claims 24-45 and 92-113 would be allowed if not dependent upon rejected base claims. The Applicant believes that the base Amended Claims 23 and 46 are allowable in light of the above arguments and requests the reconsideration of the objection. The Applicant acknowledges that Claims 1-22 and 47-90 are allowed and in light of the above, respectfully requests that a timely Notice of Allowance for all claims be issued in this case.

It is requested that should Examiner Saltarelli not find that the Claims are now allowable, that the undersigned be called at (845) 452-5863 to overcome any problems preventing allowance.

Respectfully Submitted,  
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